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GREAT FALLS DIV.
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

GARY E. RADI,

Plaintiff,

vs.

JAMES MacDONALD, Warden, Crossroads
Correction Center; ALLISON VARNUM,
Medical Supervisor;

Defendants.

No. CV 04-37-GF-SEH

ORDER

On August 18, 2006, United States Magistrate Judge Carolyn S. Ostby entered Findings and Recommendation¹ in this matter. Plaintiff did not file objections. No review is required of proposed findings and recommendations to which no objection is made. Thomas v. Arn, 474 U.S. 140, 149-152 (1986). However, this Court will review Judge Ostby's Findings and Recommendation for clear error.

Judge Ostby found: (1) Plaintiff's claims under state statutory and contract law would present issues of first impression to the Montana Supreme Court, and thus this Court should

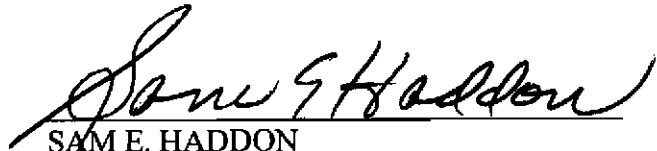
¹ Docket No. 48.

decline to exercise supplemental jurisdiction over those claims; (2) Defendants established the absence of a genuine issue of material fact regarding the care Plaintiff received; (3) Plaintiff had an opportunity to respond and did respond to Defendants' contentions; and (4) Plaintiff could not show deliberate indifference on the part of the Defendants. Judge Ostby recommended the Defendants' Motion for Summary Judgment² should be granted. I see no clear error in Judge Ostby's Findings and Recommendation. I, therefore, adopt Judge Ostby's Findings and Recommendation in full.

ORDERED:

Defendants' Motion for Summary Judgment is GRANTED.

DATED this 11th day of September, 2006.


SAM E. HADDON
United States District Judge

² Docket No. 33.